

SENATE JOURNAL

Forty-second Legislature—Second Called Session.

FIRST DAY.

Senate Chamber,
Austin, Texas,
September 8, 1931.

The Senate met at 12 o'clock noon, pursuant to the proclamation of the Governor, and was called to order by Lieutenant Governor Edgar E. Witt.

Temporary Officers.

The Chair announced the appointment of the following temporary officers:

Secretary: Bob Barker.
Sergeant-at-Arms: A. W. Holt.
Doorkeeper: W. D. Wood.
Journal Clerk: Wendell O'Neal.

Roll Call.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Cousins.	Rawlings.
Martin.	Small.
Parr.	

Prayer by the Rev. A. W. Jones, of Llano, Texas.

Proclamation of the Governor.

The Chair laid before the Senate the following proclamation of the Governor:

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

No. 8498.

To all to whom these presents shall come:

Whereas, The voice of the people is resounding through the South in a clamor of distress, seeking relief from their gravest agricultural crisis of modern years. Cotton prices are lower than the cost of production, and over-production threatens an even greater demoralization of the market. Meanwhile, in the background looms the black shadow of soil deterioration, menacing oncoming cotton farmers with the ruinous heritage of wornout land, such as has already blighted agriculture in older states; and

Whereas, Facing financial ruin, cotton farmers throughout Texas have been holding mass meetings and adding their concerted voices to the rising tide of pleas for legislative relief. Thousands have petitioned the chief executive to call a special session for enactment of laws to aid them, particularly by means of cotton acreage reduction. The welfare of civilization rests upon the shoulders of the farmer and the burden is ever a trying one. The government should be eager to extend him any reasonable assistance that he might deem necessary. If legislation can help Texas agriculture in its present emergency I believe it my duty to convoke the legislature in the interests of the State generally, as well as the tillers of the soil. I have waited and investigated until I have become convinced that a majority of Texas cotton farmers and their legislative representatives desire an emergency law, and I am now ready and glad to act in their behalf.

Now, Therefore, I, R. S. Sterling, Governor of the State of Texas, do, by virtue of the authority vested in me by the Constitution and Laws of this State, hereby call a Special Session of the Forty-second Legislature

to be convened in the City of Austin, Texas, commencing at twelve o'clock, noon, on Tuesday, September 8th, A. D., 1931, for the following purposes:

1. To enact such legislation as will adequately provide for soil conservation and the alleviation of the conditions of agriculture in Texas and establish a policy which other agricultural states may follow.

2. To consider and act on such other subjects of public importance as the Executive may, from time to time, during the session, submit by message or otherwise.

In testimony whereof, I hereunto sign my name and cause to be impressed hereon the Seal of the State of Texas, at Austin, this the 5th day of September, A. D., 1931.

(Seal)

By the Governor:

R. S. STERLING,
Governor of Texas.

JANE Y. McCALLUM,
Secretary of State.

I, Jane Y. McCallum, Secretary of State of the State of Texas, do hereby certify that the foregoing is a true and correct copy of Proclamation issued by the Governor of the State of Texas on September 5th, 1931, calling a Special Session of the Forty-second Legislature to convene in the City of Austin at twelve o'clock, noon, on Tuesday, September 8th, A. D., 1931.

In Testimony Whereof, I have hereunto signed my name officially and caused the Seal of State to be impressed hereon at my office in the City of Austin, this the 6th day of September, A. D., 1931.

(Seal)

JANE Y. McCALLUM,
Secretary of State.

President Pro Tem.

The Chair announced that nominations for President Pro Tem were now in order.

Senator Pollard nominated Senator Thomason.

The nomination was seconded by Senators Beck, Woodul, Hardin, Moore, Woodward, Purl, Patton, Neal, Loy and Poage.

The Chair appointed Senators Pollard, Beck and DeBerry to act as tellers.

The tellers collected the ballots and announced the following results:

Senator Thomason—24 votes.

The Chair declared Senator Thomason duly elected President Pro Tem of the Senate and appointed Senators Patton, Hardin and Russek to escort the President Pro Tem to the platform where the Chair administered the oath of office.

The Chair introduced President Pro Tem Thomason, who briefly addressed the Senate.

Committee From the House.

A committee from the House appeared at the bar of the Senate and Mr. McGregor informed the Senate that the House was organized and ready for business.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, Sept. 8, 1931.

To the Members of the Forty-second Legislature:

You are assembled again in extraordinary session, to deal with a problem affecting the welfare of the people of Texas. This is primarily a farmers session, called at the instance of the cotton growers of this State, to consider legislation which may relieve them in a great crisis.

Usually the tillers of the soil take little part in the writing of the laws that govern them; they are too busy with the task of feeding and clothing civilization to give legislation much attention; while others interested in endeavors less vital to the public weal exert their influence continually. The farmers are long-suffering and patient, and seldom ask for special consideration. Now, however, they have risen in their distress and lifted their voices in the most widespread and concerted demand that has moved them during modern years.

They are not to be denied, and no one with the interest of the State as a whole at heart would deny them, for upon the well-being of agriculture depends ultimately the well-being of us all. In this session the farmers are to have an inning; it is their session, and they should follow up their far-flung action in bringing about the session, by letting their legislative representatives

know what they want. I believe you all are ready to meet their wishes, insofar as you can ascertain them, in any proper and reasonable way.

Judging from the appeals which thousands have made to the chief executive in telegrams, letters, petitions and resolutions, as well as personal and telephone calls, the majority favor a one-half reduction of cotton acreage next year, as a means of decreasing the vast over-supply which has prostrated the cotton market and threatens an even more complete collapse.

Though his operations are probably more economical than those of any other industry, the farmer does not receive for his cotton, under present prices, as much as the actual cost of production; much less a profit from his investment or a wage from his labor with which to feed, clothe and shelter his family and pay his debts. Still lower prices would mean disaster and ruin to tens of thousands. Yet, unless something is done soon to reduce the supply or increase the demand very substantially, a further demoralization of the market seems inevitable.

Whether the situation can be remedied by legislation remains to be determined. The hopes and prayers of Texas are that it can. As for the best means and methods of accomplishing that end, I leave that to the wisdom of you ladies and gentlemen of the Legislature. It is a grave, difficult problem, and its solution, if possible at all, will require the best that is in you.

Behind the menace of over-production looms another which some day is destined to become as acute and alarming, or more so, if not forestalled. I speak of soil deterioration, due to erosion and constant wearing out of the land by planting cotton year in and year out without rest or rotation. In older states, where land has been planted in the same crop for generations longer than we have been growing cotton, the soil has become so impotent that it will not yield a fair crop except by means of expensive aids. Many Texas farmers will bear witness that their soil already has begun to deteriorate and is much less productive than it was formerly. Likewise a tremendous amount of our best farm acreage has been washed away and ruined by erosion.

If Texas is to avert the calamity of a wornout soil and impoverished agriculture, she had best look diligently to its conservation. And the longer she waits, the more costly it will be.

Acreage reduction, of course, would accomplish conservation of the soil affected, as far as giving it a rest and possibly a rotation of crops is concerned. And, some attorneys of high repute have expressed the opinion that legal restriction of cotton acreage would stand the test of the courts, under the constitutional provision for conservation of all natural resources of the State.

I submitted this issue to the recent special session, and bills were introduced designed to reduce the acreage and preserve the productivity of the soil. The legislation failed of passage at that time, and I now submit it again, feeling that later developments have placed a new aspect upon the situation.

Nothing less than an acute emergency in the public affairs of Texas would have occasioned this session. It was called to aid an industry in distress—the basic industry of the State, materially affecting practically the entire population, directly or indirectly. This emergency challenges the highest principles of democratic statesmanship, and I counsel you most earnestly to let those principles guide your deliberations here, as I feel confident they will.

These are abnormal, perilous times, and the problem before you is an extraordinary one, calling for heroic measures in its solution. This is an hour when political and private consideration should be laid aside, and when we should all work with one aim—the general public good. Patriotism dominated our thoughts and actions during the World War, and should do no less now, in the country's greatest crisis since then.

The eyes of the nation are upon us, watching and hoping for us to raise a torch that will light the way for the Southland out of the darkness that now engulfs it. I trust that out of your labors will evolve a law or laws that will safeguard the future of agriculture in Texas, lead to the adoption of similar measures in other Southern States, and redound to the benefit of all the peo-

ple, and that this be done as speedily as possible.

Respectfully submitted,
R. S. STERLING,
Governor of Texas.

Notification Committees Appointed.

The Chair appointed Senators Woodul, Purl, and Oneal to notify the Governor that the Senate was organized and ready for business.

The Chair appointed Senators Poage, Woodruff, and Gainer to notify the House.

Committee Reports.

The committee appointed to notify the Governor appeared at the bar of the Senate and Senator Woodul announced that the committee had performed its duty.

The committee appointed to notify the House appeared at the bar of the Senate and Senator Woodruff announced that the committee had performed its duty.

S. C. R. No. 1.

Senator Loy sent up the following resolution:

Whereas, The cotton farmers of this State and Nation are suffering irreparable financial loss and damage because of the price of cotton now quoted at figures below the cost of production, and the Governor has called the Legislature into extraordinary session for the purpose of taking immediate action toward relieving this deplorable condition; and

Whereas, There have been several plans suggested for immediate relief among which are acreage reduction and a cotton holiday for 1932; and

Whereas, As it now appears relief afforded through adoption of any of the above suggestions will probably be only of a temporary nature.

Believing that the best interest of the cotton farmer and the cotton producing States and the Nation as a whole will be best served through the adoption of corrective measures of a permanent type; and

Whereas, I am reliably informed that at this time there are stored in warehouses in different sections of Texas thousands of bales of cotton which are untenerable and of no value as a commodity. This cotton has

been included in the government estimate of nine million bales of carry-over crop and has influenced the fixing of the present low price paid the producer for his cotton; and

Whereas, The producer sells his cotton at a price based upon the number of bales in the government crop estimate. After it leaves the producer's possession sales are governed in price by the actual number of bales certified to by government inspectors as being marketable, grade, staple and condition.

Now, Therefore Be It Resolved, That a committee of five members, consisting of two to be appointed by the president of the Senate and three to be named by the speaker of the House, be appointed and instructed to investigate with authority to personally inspect contents of warehouses and have access to records of same, for the purpose of ascertaining:

1. Total number of bales of cotton of all grades stored in each warehouse at such concentration points as the committee may select at the close of the 1930 cotton year and included in the carryover crop total reported by the government.

2. Total number of bales of cotton in each warehouse at such concentration points at the close of the 1930 cotton year which have been certified as being of marketable grade, staple and condition.

3. Total number of bales of cotton in each warehouse at such concentration points at the close of the 1930 cotton year which are untenerable.

Be It Further Resolved, That the committee be instructed to begin its investigation immediately after passage of this resolution and to report its findings back to this session of the Legislature within ten days, that definite action might be taken to the end that this evil practice may be corrected. The expenses of this investigation to be paid out of the contingent expense fund after they have been certified to by the Chairman.

LOY.

Read and, on motion of Senator Loy, referred to the Committee on Agricultural Affairs with instructions to meet this afternoon.

Senators Excused.

The following Senators were excused for the day on account of important business:

Senator Rawlings, on motion of Senator Williamson; Senator Small, on motion of Senator Parrish; Senator Parr, on motion of Senator Hornsby; Senator Martin, on motion of Senator Gainer; Senator Berkeley, on motion of Senator Moore; Senator Cousins, on motion of Senator Holbrook.

Recess.

On motion of Senator Stevenson, the Senate, at 12:54 o'clock p. m., recessed until 3:30 o'clock p. m.

After Recess.

The Senate met at 3:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Bills Introduced.

By Senator Cunningham:

S. B. No. 1, A bill to be entitled "An Act declaring the soil to be a natural resource of the State; declaring it is a public right and a public duty and made mandatory upon the Legislature of the State of Texas under Section 59 of Article 16 of the Constitution of the State of Texas to enact laws to compel the preservation and conservation of the fertility of the soil; providing that for the purpose of preserving and conserving the soil, preventing waste thereof and erosion of the soil, and to aid in the eradication of, and to prevent the spread of, root rot and all other diseases of the soil, it shall be unlawful for any person, association of persons, firm, corporation or joint stock company, during the year 1932, to plant any cotton seed for the purpose of raising cotton on any land in excess of thirty-three and one-third per cent ($33\frac{1}{3}\%$) of the area thereof in cultivation during the year 1931; and to make it unlawful for any person, association of persons, firm, corporation or joint stock company during the year 1933, to plant any cotton seed for the purpose of raising cotton on any land in excess of fifty per cent (50%) of the area thereof in cultivation during the year 1932; and prohibiting, after January 1st, 1932,

the planting of cotton to the same land two (2) years in succession; prohibiting the planting to cotton of more than one-third ($1/3$) of any new lands during the first year of their cultivation; providing for injunctions in order to prevent a violation of this act and to enforce the purpose and intent hereof; defining the duties of the Attorney General, the several county and district attorneys in respect thereto; affixing the penalties for violations of this act; requiring owners and agents to give information as to the number of acres planted and cultivated in cotton in 1931 and 1932; imposing certain duties and responsibilities upon the county assessor of taxes and the Commissioner of Agriculture of the State of Texas; providing a saving clause if any part of this act is held invalid; and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senators Neal and Thomason:

S. B. No. 2, A bill to be entitled "An Act prohibiting the planting of cottonseed for the purpose of growing cotton in the State of Texas in the year 1932, and prohibiting the gathering and ginning of cotton planted or grown in the State of Texas in the year 1932; providing for extermination of the Mexican cotton boll weevil, (*Anthonomus grandis*, Boheman), eradicating the disease of the cotton known as the Cotton Root Rot (*Phymatotrichum omnivorum*, Duggar); declaring it to be a misdemeanor to violate any provisions of this act and providing punishment therefor; and providing for the suspension thereof."

Read and referred to the Committee on Agricultural Affairs.

By Senators Woodward, Williamson, and Russek:

S. B. No. 3, A bill to be entitled "An Act declaring the soil to be a natural resource of the State; declaring it is a public right and a public duty and made mandatory upon the Legislature of the State of Texas under Section 59 of Article 16 of the Constitution of the State of Texas to enact laws to compel the preservation and conservation of the fertility of the soil; providing that for the purpose of preserving and conserving the soil, preventing waste thereof and erosion of the soil and

to aid in the eradication of and to prevent the spread of root rot and all other diseases of the soil, it shall be unlawful for any person, association of persons, firm, corporation or joint stock company, during the year 1932, to plant any cotton seed for the purpose of raising cotton on any land in excess of one-third of the area thereof in cultivation during the year 1931; and to make it unlawful for any person, association of persons, firm, corporation or joint stock company during the year 1933, to plant any cotton seed for the purpose of raising cotton on any land in excess of one-third of the area thereof in cultivation during the year 1932; and prohibiting the planting or growing of cotton in 1933 upon any land upon which cotton was grown in 1932; providing for injunctions in order to prevent a violation of this act and to enforce the purpose and intent hereof; defining the duties of the Attorney General, the several County and District Attorneys in respect thereto; affixing the penalties for violations of this act, requiring owners and agents to give information as to the numbers of acres in cultivation and the number of acres planted in cotton in 1931 and 1932; imposing certain duties and responsibilities upon the county assessor of taxes and the Commissioner of Agriculture of the State of Texas, providing a saving clause if any part of this act is held invalid, and declaring an emergency."

Read and referred to the Committee on Agricultural Affairs.

Advance Printing Ordered.

On motion of Senator Stevenson, advance printing of cotton acreage reduction bills was ordered.

Adjournment.

On motion of Senator Holbrook, the Senate at 4:12 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

SECOND DAY.

Senate Chamber,
Austin, Texas,
September 9, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Berkeley.

Absent—Excused.

Rawlings.

Small.

Prayer by Rev. Arthur Jones.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Moore, Hardin, Greer, Hopkins, Beck, Woodruff:

S. B. No. 4, A bill to be entitled "An Act to create a fund by fees and assessments for the purpose of loans to actual producers of cotton; providing for the collection of such fees and assessments; providing for an interest rate not to exceed five and one-half per cent; providing for the distribution of said fund to cotton producers; providing for the character of cotton on which said fund may be loaned; providing for a contract for the reduction of cotton acreage and declaring an emergency."

Read and referred to Committee on State Affairs.

Caucus Report.

Senator Holbrook sent up the following caucus report: